

March 30, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L97P0050**

ARBORS AT PINE LAKE
Proposed Plat Application
and
SEPA Threshold Determination Appeal

Location: 212th Avenue SE and SE 5th Place

Owner: **Mary Lou Pingrey**, 447 – 212th Avenue SE, Redmond, WA 98053

Applicant: Chaffey Homes, *represented by*
Larry Calvin, OTAK, 620 Kirkland Way #100, Kirkland, WA 98033

Appellant: Friends of Pine Lake, *represented by*
Vali Eberhardt, 704 – 228th Avenue NE #450, Redmond, WA 98053

DDES: **Lance Moreno**, Land Use Services Division
900 Oakesdale Avenue SW, Renton, WA 98055

SUMMARY OF DECISIONS:

Plat:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approved, subject to conditions (modified)

SEPA:

Appeal withdrawn.

PRELIMINARY MATTERS:

Application or petition submitted:	December 17, 1997
Complete application:	December 17, 1997
Notice of appeal received by Examiner:	December 10, 1998

EXAMINER PROCEEDINGS:

Pre-Hearing Conference: January 13, 1999
Hearing Opened: March 4, 1999
Hearing Closed: March 4, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Buffers
- Storm Water Detention
- Surface Water Detention
- Water Quality
- Water Pollution
- Wetlands

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner: Mary Lou Pingrey, 447 - 212th Avenue SE, Redmond, Washington 98053

Applicant: Chaffey Homes, 205 Lake Street South, Suite 101, Kirkland, Washington 98033

Engineer: OTAK Engineering, Inc., 620 Kirkland Way #100, Kirkland, WA 98033

Location: 447 - 212th Avenue Southeast, opposite of SE 5th Place

STR: SE-32-25-06

Zoning: R-4

Acreage: 8.84

Number of Lots: 26

Density: 3 units per acre

Lot Size: Ranges from 7,345 sq. feet to 10,800 sq. feet

Proposed Use: Detached single-family residences

Sewage Disposal: Sammamish Plateau Water & Sewer District

Water Supply: Sammamish Plateau Water & Sewer District

Fire District: Issaquah #10

School District: Lake Washington School District

Complete

Application Date: December 17, 1997

2. Chaffey Homes, Inc. (the "Applicant") proposes to subdivide 8.84 acres of R-4 classified land into 26 single-family residential lots. The proposed development, located in the East Sammamish Community Planning area will achieve an overall density of only three dwelling units per acre. That low overall average density contrasts with the lot size range from 7,345 to 10,800 square feet because approximately 25% of the subject property will be set aside as permanent open

space. A copy of the preliminary plat drawing depicting the essential features of the proposed development is attached to the preliminary report to the hearing examiner dated March 4, 1999, prepared by the Department of Development and Environmental Services (“DDES” or the “Department”), entered as Exhibit No. 2, as well as the original copy as submitted, dated November 15, 1998, entered as Exhibit No. 7.

3. **SEPA.**

On October 20, 1998 the Department issued a mitigated threshold determination of non-significance (“MDNS”). That is, the Department issued its determination that, *if* certain mitigation measures were required and taken, then the proposed development would not cause probable significant adverse impacts upon the environment. The mitigation measures contained in the MDNS drainage control and phosphorous removal from storm water runoff. The MDNS measures are stated on page 2 of the Department’s preliminary report (Exhibit No. 2) and are contained in the MDNS dated October 23, 1998 (Exhibit No. 5).

On November 13, 1998 Vali Eberhardt filed an appeal from the Department’s MDNS threshold determination. Subsequently, the parties have agreed on record that this appeal is withdrawn. No other person, agency, tribe or other entity has appealed the MDNS.

See, also, the Notice of Appeal Withdrawal dated February 7, 1999, entered as Exhibit No. 21.

4. **Departmental recommendation.**

The Department recommends that the proposed subdivision be granted preliminary approval subject to the 19 conditions of final plat approval stated on pages 8 through 14 of the Department’s preliminary report to the Examiner (Exhibit No. 2), *except* for the following changes:

A. **Recommended Condition No. 15A.**

Wetland X is a Class 3 wetland, 3,134 square feet in size. Recommended Condition No. 15 addresses mitigation and maintenance regarding that wetland. The amendment to recommended Condition No. 15 agreed upon by the parties makes clear that the mitigation will address the wetland function by providing enhancement of Wetland A.

B. **Recommended Condition No. 15H.**

In this amendment, the Department agrees to reduce the maintenance monitoring and performance bonding period from 5 years to 3 years.

C. **Errata.**

The Department offers the following corrections to its preliminary report to the Examiner (Exhibit No. 2):

- On page 1, the property owner’s last name should be spelled Pingrey, not “Pingry.”

- The date of complete application for the proposed plat of The Arbors at Pine Lake is December 17, 1997, **not** “December 17, 1998.”
- On page 4, Section G (Natural Environment) subparagraph 3 (Wetlands) the seventh sentence is amended to read as follows:

This wetland is hydrologically isolated from other wetlands and therefore may be filled and *its function* replaced ~~((adjacent to the Class 2 wetlands,))~~ *by providing enhancement to wetland A* pursuant to the mitigation plan.

The *italics* indicate new added text. The dashed-out language contained within double parentheses indicates language deleted from the Department’s preliminary report.

5. **Applicant’s Position.**

The Applicant accepts the Department’s recommendation as described in Finding 4, preceding.

6. **Issues/Concerns/Questions.**

Wetlands.

Some interested property owners express concern regarding the adequacy of drainage and the effect of filling three minor wetlands. No evidence, analysis or legal argument was presented, however. Two of the wetlands of concern comprise fewer than 350 square feet. In fact, one comprises only 39 square feet. KCC 21A.24 requires mitigation for such minor wetlands. A third wetland, Wetland X, comprising over 3,000 square feet, will be regulated as indicated in Finding 4, above, and as indicated in Recommended Condition No. 15, on pages 15 and 16 of this Examiner’s report.

Water Quality.

Drainage and phosphorous removal requirements are stated in Exhibit No. 2, Preliminary Report to the Hearing Examiner (page 2, threshold determination of non-significance) and page 9 (Condition No. 7) and include:

Standard drainage conditions, including core requirements addressing discharge and runoff control; compliance with adopted basin plan; special water quality controls and 100 year floodplain protection.

Condition No. 13 restrictions on sensitive areas tract and sensitive areas buffer;

Condition No. 14 sensitive areas ordinance protection;

Condition No. 15, wetland protection, mitigation, bonding, and monitoring;

Condition No. 19, the SEPA based required mitigation measures addressing phosphorus removal.

See also Exhibit No. 5, Mitigated Declaration of Non-Significance, dated October 23, 1998.

7. Revised as indicated in Finding No. 4, above, the Department's Preliminary Report to the Examiner, dated March 4, 1999 (Exhibit No. 2) is found accurate, is adopted and entered here by this reference.

DECISION:

GRANT Preliminary approval to the plat of Arbors at Pine Lake, as described by Exhibit No. 7, of this hearing record, preliminary plat drawing dated November 15, 1998, SUBJECT to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

" All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are

designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."

d. Core Requirement No. 1: Discharge at the Natural Location.

The Applicant has received conditional approval for a drainage variance to divert storm water into one facility (File No. L98V0035). The conditions for variance approval are outlined in a letter from DDES dated August 11, 1998 and include requirements for storm water detention design and further analysis of downstream capacity. Permission and/or easements for construction of the required off-site drainage pipe shall be submitted with the engineering plans. All conditions of variance approval shall be satisfied during design and review of the project engineering plans.

e. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using the stream protection standard (BW2) as outlined in the East Lake Sammamish Basin Plan and/or the requirements stated in the approved drainage variance for this project.

The size of the proposed drainage tracts may have to increase to accommodate the required detention volumes and water quality facilities. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180. As specified in section 4.5 of the SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable. The final drainage plan analysis shall also evaluate the requirements for off-site runoff bypass. Drainage easements may be necessary to convey flows from adjacent parcels of land along the south property line.

f. Special Requirement No. 4: Adopted Basin or Community Plans.

The East Lake Sammamish Basin Plan requires special storm water detention standards (BW2) and also includes requirements for baseflow maintenance (MH2,pg25). As stated in the basin plan, for the non-infiltrative parts of the subdivision, at least 25 percent of the land area should remain undisturbed and set aside in a Native Growth Protection Easement (NGPE). For the non-infiltrative parts of the site, no more than 35 percent of the land area should be covered by impervious surfaces, exclusive of stormwater facilities. The Applicants drainage plan submittal shall provide the necessary calculations and site plan designations to determine these requirements. The final plat shall also show these requirements and contain notes for implementation of impervious limits on the residential building permits.

g. Special Requirement No. 5: Special Water Quality Controls.

Water quality facilities shall be provided using the adopted SEPA mitigation's for this project. Three design options are specified to limit the amount of phosphorous leaving the site. As noted in the SEPA mitigations, the water quality options may be used in lieu of biofiltration as normally required by the drainage manual.

- h. Special Requirement No. 9: 100-year Floodplain.

A wetland is located on the property; therefore, a floodplain analysis shall be performed. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat.
- 8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. During preliminary review the Applicant submitted a road variance application (File No. L98V0053), regarding sight distance and road frontage improvements. The variance decision was made in a letter dated June 29, 1998 from the County Road Engineer. The decision allows the entering sight distance to the north of the plat intersection be reduced to 555-feet. A wetland mitigation plan is required to address the required clearing within the sensitive area. For entering sight distance to the south, trimming of vegetation is required to achieve 620 feet. The vertical alignment of 212th Avenue SE shall also be improved to achieve the required stopping sight distance of 400 feet. Urban frontage improvements shall provide 18-feet of paving from centerline with curb, gutter, and sidewalk.
 - b. SE 5th Street shall be improved as an urban subcollector street.
 - c. 210th Place SE shall be improved as an urban minor access street.
 - d. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - e. Street illumination shall be provided at the intersection with 212th Avenue SE in accordance with KCRS 5.03.
 - f. 212th Avenue SE is designated an arterial street which may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
 - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 9. King County Code 16.82.150D imposes seasonal limitations for construction. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The Applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
- 10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
- 11. There shall be no direct vehicular access to or from 212th Ave. SE from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
- 12. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.

13. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

14. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey markings and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
15. Preliminary plat review has identified the following specific sensitive area requirements that apply to this project. The proposed subdivision shall comply with the sensitive areas ordinance as outlined in KCC 21.A.2A and with the specific requirements listed below.
- a. Wetland X is a Class 3 wetland, 3,134 square feet in size. It is hydrologically isolated from other wetlands and streams. This wetland can be filled and its function replaced by providing enhancement to Wetland A pursuant to a Wetland Mitigation Plan.
 - b. Wetland A is a Class 2 wetland and shall be provided with a minimum 50-foot buffer of undisturbed or restored native vegetation. The wetland and buffer shall be placed in a separate Sensitive Areas Tract. A minimum 15-foot building setback line shall be required from the edge of the buffer or Sensitive Area Tract.
 - c. Prior to commencing clearing activities on the site and remaining until completion of all construction activities, the sensitive areas shall be marked in a highly visible manner.
 - d. Prior to final approval of construction activities on the site, permanent survey stakes shall be set and permanent signs shall be installed at the boundary between adjoining property and the Sensitive Area Tracts.

- e. Alteration of Wetland A is proposed to provide adequate site distance along 212th Avenue SE, consisting of removal of at least 16 trees and continued maintenance of the shrub and understory vegetation. Mitigation for this impact is proposed to include enhancement of the remaining wetland and buffer with trees, shrubs, large woody debris and hydrologic monitoring.
 - f. The required Wetland and Buffer Mitigation Plan for filling Wetland X and altering Wetland A shall be submitted along with the engineering plans for review and approval. Use of the Sensitive Areas Mitigation Guidelines (DDES, 1998) is recommended. (Note that we have not yet received a Conceptual Mitigation Plan.)
 - g. Completion of Wetland and Buffer Mitigation shall occur prior to King County granting final approval to the development proposal. If the Applicant demonstrates that seasonal requirements or other circumstances beyond their control prevent completion of the mitigation prior to final approval, the Applicant may post a Performance Bond or other security instrument as approved, which guarantees that all required mitigation measures will be completed no later than the first planting season following completion of construction activities on the site.
 - h. Upon satisfactory completion of the performance inspection, LUSD Wetlands Staff may recommend release of the Performance Bond and its replacement with a Maintenance Bond. The financial guarantee requirement shall be effective for a period of three years, with monitoring once a year following installation. Upon satisfactory completion of the final monitoring inspection of the site, LUSD Wetlands Staff shall release the remaining financial guarantee.
 - i. If the project has not met its performance standards at the end of the monitoring period, the Applicant shall be responsible for preparation and implementation of a contingency plan to remedy the situation.
16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
- a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).

18. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 212th Ave. SE. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if 212th Ave. SE is on a bus route. If 212th Ave. SE is a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A \$538 landscape inspection fee shall be submitted prior to plat recording. This inspection fee is subject to change based on then current County fees.
19. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The Applicants shall demonstrate compliance with these items prior to final approval.
 1. Run-off from impervious surface subject to vehicle use or storage and/or transfer of chemicals, petroleum products or wastes must be treated to remove 50% of the annual average total phosphorous concentration before discharge to Lake Sammamish or its tributaries (either natural or engineered). This goal may be met by treating the water quality flow (defined below) with one of the following three on-site treatment options. The design of the facilities shall be approved by King County Water and Land Resources Division (WLRD) other options that provide an equivalent level of pollutant removal are also acceptable, but must be approved by WLRD.

- Option 1: A large wetpond having a dead storage volume of at least 4.5 times the run-off from the mean annual storm. The mean annual storm is determined by dividing the annual rainfall (in inches) by the number of storms in a typical year. In the Lake Sammamish area, the mean annual storm ranges from about 0.47 to 0.56 inches.
- Option 2: A large sand filter treating 95% of the annual average run-off volume as computed by the KCRTS time series. If a detention facility does not precede the sand filter, a presettling pond or vault must be provided prior to the sand filter. The presettling pond must be sized to hold a volume of 0.75 times the run-off from the mean annual storm.
- Option 3: A two-facility treatment train, with the first facility sized to treat the water quality flow (see below), and the second facility a sand filter sized to treat the flow from the first facility, or 90% of the annual average run-off volume as computed by the KCRTS time series.
2. The water quality flow is defined as one of the following:
- The flow generated by 64% of the 2-year 24-hour precipitation (SBUH model), or
 - The flow generated by 60% of the developed 2-year peak flow rate (KCRTS model), or
 - The flow associated with 95% of the annual average runoff volume in the KCRTS time series (typically restricted to sand filter sizing).
3. This condition is in lieu of the biofiltration required under Core Requirement #3 in the King County Surface Water Design Manual. King County Comprehensive Plan Policies NE-320, NE-310 and NE-313.

ORDERED this 30th day of March, 1999.

R.S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 30th day of March, 1999, to the parties and interested persons on the attached list.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before April 13, 1999. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before April 21, 1999. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MARCH 4, 1999 PUBLIC HEARING OF THE ARBORS AT PINE LAKE - DDES FILE NO. L97P0050:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Larry Calvin, Vali Eberhardt, Lance Moreno, Pete Dye,

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File No. L97P0050
- Exhibit No. 2 DDES Preliminary report dated February 18, 1999
- Exhibit No. 3 Application dated December 17, 1997
- Exhibit No. 4 Environmental Checklist dated November 18, 1997
- Exhibit No. 5 Mitigated Declaration of Non-Significance dated October 23, 1998
- Exhibit No. 6 Affidavit of Posting indicating February 9, 1999 as date of posting and February 10, 1999 as date affidavit was received by DDES
- Exhibit No. 7 Preliminary plat map dated November 15, 1998
- Exhibit No. 8 Land Use Map Kroll page 544E
- Exhibit No. 9 Assessor's Maps SW 33-25-6, SE 32-35-6
- Exhibit No. 10 Level 1 Drainage Analysis, November 18, 1997
- Exhibit No. 11 Wetland Evaluation, March 19, 1998
- Exhibit No. 12 Additional information for drainage analysis received March 19, 1998
- Exhibit No. 13 School accessibility report received March 19, 1998
- Exhibit No. 14 Road variance (L98V0053) dated June 29, 1998
- Exhibit No. 15 SWM Variance (L98V0035) dated August 11, 1998
- Exhibit No. 16 Stream determination dated October 29, 1998
- Exhibit No. 17 Right-of-way clearing, impacts to tree coverage in Wetland A, and percent tree coverage at wetland X dated October 21, 1998
- Exhibit No. 18 Wetland mitigation plan dated November 18, 1998
- Exhibit No. 19 Arbors At Pine Lake wetlands B1 and B2: Summary of ERC field deliniations, OTAK hydrologic analysis, and ERC winter 1998 field observations received November 30, 1998
- Exhibit No. 20 SEPA threshold determination appeal received November 13, 1998
- Exhibit No. 21 Notice of withdrawal of appeal dated February 17, 1999
- Exhibit No. 22 Proposed revisions to condition no. 15
- Exhibit No. 23 Applicant's changes to page 4 of staff report